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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,042	11/08/2000	Stefaan Valere Albert Coussement	P4643	4522

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EXAMINER
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VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/710,042

Applicant(s)

COUSSEMENT, STEFAAN  
VALERE ALBERT

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/05</u> . | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-34 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-34 are rejected under 35 U.S.C. 102(e) as anticipated by Loveland et al [6,782,413 B1].

3. As per claim 1, Loveland discloses a network-based system for enabling users of the system to obtain current agent-status Information related to agents of an information-source facility connected to the network before initiating contact with the agent or agents of the information-source facility comprising:

a first server node [Loveland, first network server 142, Fig 2] connected to the information-source facility and to the network [Loveland, WAN, Internet, Fig 2];

a second server node connected to the first server node and to the network, the first server node accessible to the second server node [Loveland, network server 114, Fig 2; remote access server 194, Fig 4; application server 186, Fig 4];

a network-capable appliance connected to the network, the second server node accessible to the network-capable appliance [Loveland, computer appliances, col 5 line 20] and

a software application distributed on at least the first and second server-nodes [Loveland, Call Control APIs 182, Fig 4], the software application enabling distribution of the agent status information [Loveland, user status variables, col 13 lines 9-55]:

the user operating the network-capable appliance accesses the second server node, states the intent of the call and requests the agent-status information, the agent-status information accessed from the first server node by the second server node, based on the stated intent and is delivered to the requesting user [Loveland, find me status function, col 12 lines 38-col 13 line 55].

4. As per claim 19, Loveland-Reynolds disclose A method for enabling users connected to a network to obtain current agent-status information related to agents of an information-source facility connected to the network before initiating contact with the agent or agents of the information-source facility comprising the steps of:
  - (a) periodically compiling and preparing the agent-status information at the information-source facility [Loveland, scheduled tasks, col 15 line 63-col 16 line 5];

(b) rendering the compiled agent-status information available in a network-connected server [Loveland, rendering services, col 3 lines 27-42]; and

(c) serving the agent-status information or a portion thereof to network-connected users over a network path upon request, based on a stated intent from the user [Loveland, find me status function, col 12 lines 38-col 13 line 55].

5. As per claims 2,20 Loveland-Reynolds disclose the network is a data packet-network [Loveland, WAN, Internet, Fig 2].

6. As per claims 3,21 Loveland-Reynolds disclose the data-packet-network is the Internet network [Loveland, WAN, Internet, Fig 2].

7. As per claims 4,22 Loveland-Reynolds disclose the information-source facility is a communication center marketing products and or service to the users [Loveland, call center, col 2 lines 53-65].

8. As per claims 5,24 Loveland-Reynolds disclose the agents are human resources employed by the communication [Loveland, user status, col 13 lines 15].

9. As per claims 6,25 Loveland-Reynolds disclose the agents are automated systems implemented at the communications center [Loveland, call center, col 2 lines 53-65].

10. As per claims 7,27 Loveland discloses the agent-status information includes a description of the agent and or agents capabilities, the number of calls waiting in the agent's or agents' queue or queues, and an estimated time for response by the agent or agents [Loveland, place callers on hold, col 18 lines 3].

11. As per claims 8,28 Loveland-Reynolds disclose the number of calls waiting information and the estimated time for response information is averaged over a group of agents as inherent features of delay operation [Loveland, a workgroup monitoring application, col 15 lines 35-50].

12. As per claims 9,29 Loveland-Reynolds disclose a number of calls waiting information and the estimated time for response information is specific to a specific agent user [Loveland, place callers on hold, col 18 lines 1-15].

13. As per claims 10,30 Loveland-Reynolds disclose the agent-status information delivered to the requesting user is specific to the request initiated by the user [Loveland, find me status function, col 12 lines 38-col 13 line 55].

14. As per claims 11,31 Loveland-Reynolds disclose the agent-status information automatically updates periodically during a user session [Loveland, automatically set values, col 17 lines 28-35].

15. As per claims 12,32 Loveland-Reynolds disclose the agent-status information is continually streamed to the requesting user during session [Loveland, find me status variables, col 12 lines 38-col 13 line 55].

16. As per claim 13, Loveland-Reynolds disclose the agent-status information is pulled from the first server node by the second server node according to the user's request [Loveland, find me status variables, col 12 lines 38-col 13 line 55].

17. As per claim 14, Loveland-Reynolds disclose the agent-status information is pushed to the second server node by the first server node and is available to be pulled by the user [Loveland, find me status variables, col 12 lines 38-col 13 line 55].

18. As per claims 15,34 Loveland-Reynolds disclose the software application uses instant message technology in the transfer of agent-status information [Loveland, instant message, col 7 lines 20].

19. As per claim 16, Loveland-Reynolds disclose the software application uses streaming technology in the transfer of agent-status information as inherent feature of software application.

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20. As per claim 17, Loveland-Reynolds disclose the software application embeds the agent-status information into a Web page requested by the user [Loveland, web page, col 13 lines 49].

21. As per claim 18, Loveland-Reynolds disclose the functions of the first and second server nodes are implemented within a single server node connected to the call center, the network, and accessible to the network-capable appliance [Loveland Fig 2].

22. As per claim 26, Loveland-Reynolds disclose the agent status information is compiled using agent monitoring software [Loveland, a workgroup monitoring application, col 15 lines 35-50].

23. As per claim 33, Loveland-Reynolds disclose there are more than one server nodes in line on the network path, the server nodes hosted by the communication center [Loveland, call center, col 2 lines 53-65].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
**Patent Examiner**  
**Art Unit 2142**

